

UTILITIES COMMISSION

April 10, 2007

7:30 p.m.

The Stafford County Utilities Commission met for its regular meeting on April 10, 2007, in Board Chambers in the Stafford County Administration Center. Commission members present were Joyce Arndt, Richard Carroll, Juan Chaves, Lloyd Chittum, Bob Hunt, Patricia Kurpiel and Gene Mayausky. Bob Bos, Dale Allen, Nancy Collins, and Cheryl Giles were present for the Utilities Department.

1. Public Hearing - Conservation Ordinance – Nancy Collins presented the proposed conservation ordinance which would include permanent odd-even watering restrictions from May 1 to October 31. Even numbered addresses would be allowed to water on Tuesday, Thursday, and Saturday. Odd numbered addresses would be allowed to water on Wednesday, Friday, and Saturday. Monday would be a system recovery day. Nancy explained the policy would limit the types of activities that tend to result in excessive or wasteful use of water.

Patricia Kurpiel asked if a policy had been used in the past. Bob Bos responded that a voluntary odd-even watering and water rationing had been done in the mid 1980s.

Richard Carroll inquired about the automatic shut-off hose, new lawns and car wash companies.

Gene Mayausky asked what vehicle would be used for enforcement. Nancy responded that staff would have meter readers or field operations staff to hang warning cards on violator's doors. Additional guidelines still need to be worked out.

Lloyd Chittum expressed concern that specific language addressing how enforcement would be carried out was not included in the ordinance.

Joyce Arndt made a motion to recommend approval of the proposed conservation ordinance to the Board of Supervisors. The motion was seconded by Bob Hunt and passed with a 6-1 vote. Lloyd Chittum opposed the motion.

2. Public Presentations – There were no public presentations.

3. Approval of Minutes - Minutes for the March 13, 2007 meeting were approved as written.

4. Mandatory Water and Sewer Connections – Chairman, Juan Chaves informed the Commission that he would abstain from presiding over this portion of the meeting and the voting decision because he conducts business with and knows several of the citizens affected by the issue. Mr. Chaves then turned control of the meeting over to Vice Chairman, Bob Hunt.

Dale Allen provided a background report on Section 25-71(b). Dale explained that prior to December 13, 2005, Sec. 25-71(b) addressed the following items:

- Applied inside and outside of Urban Service Area
- Mandatory use of public water for industrial, residential, or commercial subdivisions or industrial sites if off-site construction costs less than \$750 per equivalent unit
- Mandatory use of public sewer for the developer if construction cost of off-site sewer less than \$1,500 per equivalent unit

Dale provided the following changes to Sec. 25-71(b) after December 13, 2005:

- Subdividers or industrial sites inside the Urban Service Area must use public water system
- Projects inside the Urban Service Area must use public sewer system
- No grandfather or waiver provisions
- Applies to subdivisions with unapproved preliminary plans and to all unapproved site plans

Dale then highlighted several consequences that have resulted because of changes to Sec. 25-71(b) and the projects that have been impacted because of the changes. Dale explained that lost revenue of pro rata and availability fees from these projects would be approximately \$598,240.

Dale listed the following questions that staff recommends the Commission address:

- ❖ Should there be exceptions to Sec. 25-71(b)?
- ❖ Should all impacted applications be exempted?
- ❖ Should there be a cutoff date for exemptions?
- ❖ Should there be a waiver process?
- ❖ How long should water/sewer be unavailable?
- ❖ What if someone else is planning water or sewer?
- ❖ Should any other language be revised?

After comments by commission members, Bob Hunt opened the meeting for public comments.

Ray Freeland of C. T. Park, commented the language in Version 1 in paragraph c about “reasonable distance” is too general. Mr. Freeland requested the commission consider changing the guideline for the six year plan of no water or sewer. He also questioned the number of units allowed for rezoning. In staff’s lost revenue analysis, Mr. Freeland asked how many of the projects affected by the ordinance in the Urban Service Area would be serviced within the next six years. Bob Bos responded there are no plans to service any of those projects within the next six years.

Glen Raymond of Potter Homes commented he agreed with remarks by Mr. Freeland.

Robert Berner of Garrett Development and Chris Stacy of Stacy Construction each explained their situation and the effect the ordinance would have for their projects.

Keith Johnson, a representative for C. T. Park, commented that a lost revenue analysis was done for the County and suggested a lost analysis revenue be done for the developers as well.

Bob Hunt thanked the public for their comments.

Following the public comments, commission members discussed the following items regarding version 1 and 2 of the proposed ordinance: the length of six years for water or sewer to be unavailable, the waiver process and the cut-off date for exemptions.

Patricia Kurpiel followed up on the questions that staff recommended be addressed. Commission members agreed on the following items:

- ❖ The seven projects impacted by the ordinance would be the exceptions to 25-71(b)
- ❖ Applications should be examined on a case-by-case basis.
- ❖ The cutoff date of October 30, 2006 is acceptable.
- ❖ There should be a waiver process but have the Utilities Commission process the waiver requests instead of the Board of Supervisors.
- ❖ Change the length of the water and sewer service to be unavailable from six years to three years.
- ❖ If someone else (i.e. developer) planned for water or sewer, then connection would be necessary.
- ❖ Language should be revised based on the changes discussed in the motion.

James Stepowany of the Planning Department provided additional background information about how Garrett Development could be affected by the proposed ordinance.

After much discussion, Patricia Kurpiel made a motion to accept version 2 of the proposed ordinance with the following changes: the waiver process request would be made to the Utilities Commission instead of the Board of Supervisors and the six years should be changed to three years. The motion was seconded by Joyce Arndt. The motion passed with a 5-1 vote. Richard Carroll opposed the motion.

5. Friends of Stafford Creeks – Patricia Kurpiel requested that this item be tabled until next meeting.

6. Director's Report – Bob Bos informed members the Board of Supervisors would be reviewing funding for the General Fund at the April 17th meeting.

Members inquired about monies owed to the Utilities fund by other County funds or agencies. Bob Bos responded the funds to develop the stormwater utility and funds to construct onsite water and sewer service at the Stafford Regional Airport were two of the items he could recall. Bob stated staff could research the matter and provide the agencies and amounts at next month's meeting .

7. Commission Members Comments – Gene Mayausky submitted his letter of resignation and explained it would be effective immediately and was due to his move out of Stafford County.

Chairman, Juan Chaves and members thanked Gene for his years of service and wished him the best.

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The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Patricia Kurpiel
Recording Secretary